

Message Text

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ORIGIN ARA-20

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L/ARA:DGANTZ

L:MFELDMAN

ARA/PLC:JMARTIN

H:KJENKINS

DOD/ISA-COL RIVERS (PARA 2 - INFORMED)

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

INFO AMCONSUL GUAYAQUIL PRIORITY

AMEMBASSY LIMA

USCINCSO

C O N F I D E N T I A L STATE 016328

E.O. 11652: GDS

TAGS: PFOR, EFIS, MASS, EC, US

SUBJ: FMS WAIVER: APPROACH TO PRESIDENT RODRIGUEZ

FOR AMBASSADOR FROM KUBISCH

1. THIS MESSAGE OUTLINES SCENARIO FOR INFORMING GOE OF
PRESIDENT'S DECISION REPORTED SEPTEL TO LIFT FMS

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SUSPENSION IN EFFECT AGAINST ECUADOR. SINCE ONE PURPOSE

OF WAIVER IS TO FACILITATE POSSIBLE SETTLEMENT OF SEIZURES PROBLEM, WE BELIEVE IT ESSENTIAL THAT NEWS OF PRESIDENT'S DECISION BE CONVEYED DIRECTLY TO PRESIDENT RODRIGUEZ AND THAT WE USE THIS OCCASION TO SEEK HIS ASSENT TO EARLY INITIATION OF TALKS LOOKING TOWARD CONCLUSION OF AN AGREEMENT TO END SEIZURES. IN MEETING WITH RODRIGUEZ WE SUGGEST YOU PROCEED IN ACCORDANCE WITH STEPS OUTLINED IN SUCCEEDING PARAS.

2. MILITARY PROGRAMS. IN INFORMING RODRIGUEZ OF WAIVER, YOU SHOULD INSURE THAT HE CLEARLY UNDERSTANDS ITS PRACTICAL EFFECT AND SHOULD POINT OUT IMPORTANCE WE ATTACH TO SETTLEMENT OF ARREARAGE PROBLEM. YOU SHOULD EXPLAIN IN AS MUCH DETAIL AS YOU DEEM APPROPRIATE THE TERMS UNDER WHICH US PREPARED TO RESUME MILITARY PROGRAMS AS SET FORTH IN SEPTTEL REPORTING WAIVER DECISION AND SHOULD INFORM RODRIGUEZ THAT WE LOOK FORWARD TO EARLIEST POSSIBLE RESTORATION OF MILITARY SUPPLY AND TRAINING RELATIONSHIPS, MAKING CLEAR THAT THESE RELATIONSHIPS MUST BE ON CASH-IN-ADVANCE BASIS UNTIL RESOLUTION OF ARREARAGE PROBLEM.

3. FISHERIES TALKS. YOU SHOULD SEEK COMMITMENT FROM PRESIDENT RODRIGUEZ FOR EARLY INITIATION OF TALKS ON SEIZURES PROBLEM. IN DISCUSSING THIS SUBJECT WITH HIM, YOU SHOULD MAKE FOLLOWING POINTS:

A. THE FMS WAIVER, ALONG WITH OTHER RECENT ACTIONS, SUCH AS FPA WAIVER AND ELIMINATION OF VAN DEERLIN AMENDMENT, EMPHASIZES IMPORTANCE WHICH US ATTACHES TO GOOD RELATIONS WITH ECUADOR.

B. BECAUSE DIFFERENCES OVER FISHERIES JURISDICTION ARE MOST SERIOUS IRRITANT IN OUR RELATIONS, WE WANT TO GIVE PRIORITY ATTENTION TO RESOLVING THIS PROBLEM.

C. OUR IMMEDIATE OBJECTIVE IS AN INTERIM ARRANGEMENT THAT WILL END SEIZURES WITHOUT PREJUDICE TO THE NEGOTIATING OR JURIDICAL POSITION OF EITHER SIDE PENDING MULTILATERAL AGREEMENT ON FISHERIES JURISDICTION
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AT THE THIRD UN CONFERENCE ON THE LAW OF THE SEA.

D. IN OUR JUDGMENT, THE PROSPECTS FOR A MUTUALLY SATISFACTORY INTERIM SETTLEMENT HAVE IMPROVED AND WARRANT A RENEWED EFFORT BY THE US AN ECUADOR TO EXPLORE THE POSSIBILITIES FOR A SOLUTION. IN THIS CONNECTION, YOU MAY INDICATE THAT WE HAVE BEEN ENCOURAGED BY RECENT STATEMENTS BY GOE OFFICIALS INDICATING A

DESIRE TO IMPROVE RELATIONS AND ALSO BY THE INFORMAL
DECEMBER DISCUSSIONS IN QUITO AND GUAYAQUIL WITH GOE
OFFICIALS CONCERNED WITH FISHERIES.

E. ALTHOUGH WE ARE PREPARED TO DISCUSS A VARIETY OF
MERITORIOUS PROPOSALS FOR A SETTLEMENT, WE BELIEVE IT
WOULD BE ESPECIALLY WORTHWHILE TO EXPLORE FURTHER THE
POSSIBILITY OF PRIVATE ASSOCIATION AGREEMENT BETWEEN OUR
FISHING INDUSTRY AND THE ECUADOREAN STATE FISHING
CORPORATION, UNDER THE TERMS OF DECREE 1050 OF SEPTEMBER
1973. WE HAVE BROACHED THIS POSSIBILITY WITH US
INDUSTRY REPRESENTATIVES, WHO HAVE INDICATED A WILLING-
NESS TO CONSIDER SUCH AN ARRANGEMENT AND TO DISCUSS IT
WITH GOE OFFICIALS AT AN APPROPRIATE TIME. YOU MAY
WISH TO MENTION NATURAL RESOURCES MINISTER JARRIN'S
STATEMENT TO YOU (REPORTED QUITO 245) THAT ASSOCIATION
AGREEMENT WOULD PROVIDE GOOD WAY TO RESOLVE SEIZURE
PROBLEM. FYI ALTHOUGH PRIVATE ASSOCIATION ARRANGEMENT
CURRENTLY SEEMS MOST PROMISING FORMULA FOR AGREEMENT, WE
WANT TO KEEP OPEN POSSIBILITY OF DISCUSSING OTHER
ALTERNATIVES, SUCH AS EARLIER CONSERVATION-AGREEMENT
PROPOSALS OR PROPOSALS THAT MAY BE DEVELOPED IN LOS
CONTEXT. END FYI.

F. WE WOULD LIKE TO INITIATE TALKS IN QUITO AT AN EARLY
DATE TO DISCUSS A SETTLEMENT. FYI. OUR THINKING IS
THAT NEGOTIATIONS REGARDING ASSOCIATION ARRANGEMENT
WOULD BE CONDUCTED UNDER YOUR DIRECTION WITH PARTICIPA-
TION OF US INDUSTRY REPRESENTATIVES. WORKING-LEVEL
OFFICIALS FROM WASHINGTON COULD BE PRESENT IN QUITO IF
DESIRABLE, BUT WE WOULD PREFER THAT THEIR DIRECT
INVOLVEMENT IN NEGOTIATIONS ON AN ASSOCIATION ARRANGE-
MENT BE STRICTLY LIMITED. WE WOULD APPRECIATE YOUR
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RECOMMENDATIONS IN THIS REGARD FOLLOWING YOUR DISCUSSIONS
WITH PRESIDENT RODRIGUEZ. END FYI.

G. LACK OF FISHING BOAT SEIZURES SINCE FEBRUARY 1973
HAS DONE MUCH TO FACILITATE ACTIONS US HAS TAKEN SO FAR
TO IMPROVE RELATIONS, AND CONTINUED ABSENCE OF SEIZURES
WILL, WE BELIEVE, CONTRIBUTE TO GOOD NEGOTIATING
CLIMATE AND MAKE IT EASIER TO OBTAIN COOPERATION OF OUR
INDUSTRY, WHICH IS ESSENTIAL TO A SETTLEMENT. WE HOPE
THAT GOE WILL DO EVERYTHING WITHIN ITS POWER TO INSURE
THAT THE SITUATION REMAINS QUIET.

H. FYI IT SEEMS TO US THAT CHANCES FOR A SETTLEMENT
WOULD BE IMPROVED IF GOE FISHERIES AGENCIES, PARTICULARLY
STATE FISHING CORPORATION (EPNA), WERE DIRECT PARTICI-

PANTS, SINCE THESE AGENCIES APPEAR TO GIVE MORE WEIGHT TO PRAGMATIC AS OPPOSED TO PURELY POLITICAL OR LEGALISTIC CONSIDERATIONS. YOU MAY INDICATE TO PRESIDENT RODRIGUEZ THAT WE ASSUME THAT IF PRIVATE ASSOCIATION AGREEMENT IS PURSUED, DIRECT TALKS BETWEEN US INDUSTRY REPRESENTATIVES AND THOSE OF OPNA WILL BE REQUIRED. END FYI.

4. PUBLICITY. YOU SHOULD INFORM PRESIDENT RODRIGUEZ THAT WE DO NOT PLAN TO ISSUE ANY PUBLIC STATEMENT CONCERNING THE WAIVER, ALTHOUGH WE WOULD EXPECT THE DECISION TO BECOME KNOWN SHORTLY, EITHER THROUGH CONGRESSMEN WHO HAVE BEEN INFORMED OR AS A RESULT OF ROUTINE PUBLICATION IN THE FEDERAL REGISTER, WHICH WILL TAKE PLACE IN ABOUT THREE WEEKS. IN THE EVENT WE RECEIVE INQUIRIES ABOUT THE PRESIDENT'S ACTION, WE INTEND TO STATE ONLY THAT THE WAIVER HAS BEEN MADE IN THE INTERESTS OF IMPROVING US-ECUADOREAN RELATIONS. IF THE GOE AGREES TO THE INITIATION OF FISHERIES TALKS, WE WOULD EXPECT TO COORDINATE ANY PUBLIC STATEMENTS WITH THE GOE.

5. WE WILL BE ADVISING KEY MEMBERS OF CONGRESS OF PRESIDENT'S WAIVER AND OF OUR PLANS TO SEEK SETTLEMENT WITH ECUADOR. FYI WE BELIEVE ADVERSE CONGRESSIONAL REACTION IS LESS LIKELY THAN HERETOFORE BECAUSE OF CONFIDENTIAL

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SUCCESS OF EARLIER BRIEFINGS ON FPA WAIVER WHICH STRESSED ECUADOR'S IMPORTANCE AS OIL SUPPLIER AND BECAUSE US TUNA INDUSTRY HAS EXPRESSED WILLINGNESS TO EXPLORE AN ASSOCIATION AGREEMENT. END FYI.

6. WHEN YOU HAVE APPOINTMENT WITH PRESIDENT RODRIGUEZ, PLEASE ADVISE DEPARTMENT OF DATE AND TIME. WE WILL SIMULTANEOUSLY INFORM AMBASSADOR QUEVEDO OF WAIVER AND TELL HIM THAT YOU WILL BE INFORMING PRESIDENT RODRIGUEZ. WE WILL NOT RPT NOT DISCUSS WITH QUEVEDO SUBSTANCE OF YOUR CONVERSATION WITH RODRIGUEZ. KISSINGER

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